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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,076	01/21/2004	Michael W. Harris	NOR / 1084A	4648
37172	7590	10/25/2007	EXAMINER	
WOOD, HERRON & EVANS, LLP (NORDSON)				LAMB, BRENDA A
2700 CAREW TOWER		ART UNIT		PAPER NUMBER
441 VINE STREET		1792		
CINCINNATI, OH 45202		NOTIFICATION DATE		DELIVERY MODE
		10/25/2007		ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

krooney@whepatent.com  
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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/762,076	HARRIS ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Brenda A. Lamb	1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 August 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,4-8,11-14 and 22 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,4-8,11-14 and 22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>5/30/06 &amp; 5/3/04</u>	6) <input type="checkbox"/> Other: _____.

Applicant's election without traverse of Group I in the reply filed on 7/19/2007 is acknowledged.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 6, 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation that the nozzle has upstream surface or upstream and downstream surfaces in claims is confusing since it is unclear what they are upstream and downstream relative to. The term "said strand guide " at line 3 of claim 12 lacks proper antecedent basis.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:  
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6-8 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwok 5,902,540.

Kwok teaches the design of a nozzle for dispensing a liquid filament onto a strand, comprising: a nozzle body having a liquid supply port, an air supply port, and a

liquid discharge outlet connected coupled in fluid communication with the liquid supply port; and a mounting surface configured for mounting the nozzle body to a valve module; and a plurality of air outlets formed in the nozzle body, the air outlets coupled in fluid communication with the air supply port, and the process air outlets oriented to discharge air impinging the strand. The Kwok nozzle is capable of discharging the air and liquid from its separate outlets (air discharge outlet ports and liquid discharge ports) at a velocity such that air travels at a faster rate than the liquid thereby arriving at a desired point such as a strand before the liquid. Note it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ 2d 1647 (1987). "[A]pparatus claims cover what a device is, not what a device does." Hewlett-Packard Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990). With respect to claim 6 and 13, absent what the air outlet is upstream relative to, the Kwok air outlets of the Kwok assembly are upstream of the process for converting the melt-blown web into bodily fluid absorbing hygienic articles.

Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwok 5,902,540.

Kwok et al is applied for the reasons noted above but fails to teach that the nozzle body having an downstream surface and an opposite upstream surface with an liquid outlet on the downstream surface and air outlet on the upstream surface. However, Kwok shows in Figure 2b that separate nozzle assemblies are arranged on

different surfaces of the body member 10 for the taught advantage of providing a three-dimensional fluid filament distribution. However, it would have been prima facie obvious to modify the Kwok nozzle assembly such one nozzle assembly, which includes a liquid nozzle outlet and air outlets, is arranged one side and another nozzle assembly, which includes a liquid nozzle outlet and air outlets, is arranged its opposing side since Kwok teaches arranging separate nozzle assemblies on different surfaces of the body member to provide the desired fluid filament distribution.

Claim 1 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolyard et al 2002/0088392 in view of Kwok 5,902,540.

Kwok et al is applied for the reasons noted above. Bolyard et al teaches a method and apparatus for dispensing a liquid material onto a plurality of strands using a plurality of liquid dispensing nozzle assemblies including a liquid discharge outlets and using a strand guide 50 positioned proximate to the liquid discharge outlet, wherein the strand guide includes a plurality of grooves or notches which are arranged proximate or near the liquid discharge outlet, each strand is received and guided through a respective one of the grooves or notches. Bolyard et al fails to teach the dispensing nozzle assembly includes a plurality of air discharge outlets associated with the liquid discharge outlet and these air discharge outlets discharge air from the air discharge outlets to impinge the filament. However, EP '232 teaches at paragraph number 0031 the use of a dispenser such as taught in US Patent Number 5,904,298 or Kwok. Kwok teaches a plurality of air discharge outlets are associated with the liquid discharge outlet and these air discharge outlets discharge air to impinge onto the filament in the manner

set forth in claim 1 and 7 as discussed above. Thus claims 1 and 5 and 7 are obvious over the above cited references. With respect to claim 6, absent what the air outlet is upstream relative to, the air outlets in the Bolyard et al system as modified is upstream of the process for converting the melt-blown web into bodily fluid absorbing hygienic articles.

Claims 5, 12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwok 5,902,540 In view of Nakamura 2002/0083895.

Kwok is applied for the reasons noted above. Kwok fails to teach the notch of the strand guide is positioned proximate the liquid discharge outlet and is configured to receive and guide the movement of the strand. However, Nakagawa et al teaches the design of an apparatus for applying adhesive filaments onto strands with each nozzle dispensing assembly separated from one another by walls 100 which extend in length past the intersection of the travel paths of the liquid and air exiting the liquid and air outlets as shown in Figure 13 thereby defining a notch or indentation between walls 100 and the notch or indentation between walls 100 obviously is capable of serving as a strand guide to receive and guide the movement of the strand. Therefore, it would have been obvious to modify the Kwok apparatus by providing walls between adjacent nozzle assemblies so as to define a notch there between in order to serve as a means to separate or isolate the discharged process air streams from one nozzle assembly from another and obviously providing a guide surface to prevent the strand from moving laterally from one nozzle assembly to an adjacent one. Further, it would have been obvious given the modifications of the Kwok coating apparatus as discussed is capable

of maintaining a non-contacting relationship between the strand guide and the strand due to the high velocity of the downwardly flowing air from the Kwok air discharge outlets.

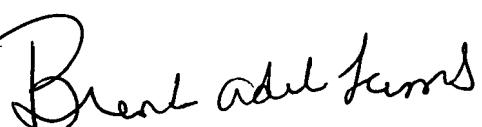
Claims 5, 12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwok 5,902,540 in view of Nakamura 2001/0022155.

Kwok is applied for the reasons noted above. Kwok fails to teach the notch of the strand guide is positioned proximate the liquid discharge outlet and is configured to receive and guide the movement of the strand. However, Nakagawa et al teaches that is known as exemplified in Figures 9-12 the design of an apparatus for applying adhesive filaments onto strands with each nozzle dispensing assembly separated from one another by notches is capable of serving as a strand guide to receive and guide the movement of the strand. Therefore, it would have been obvious to modify the Kwok apparatus by providing notches within multiple nozzle assembly body such that a respective one of the notches is arranged proximate or near to the liquid discharge outlet and is configured to receive and guide the movement of a strand since Nakamura shows it is known to do so in Figures 9-12 for the obvious advantage of enabling one apply the adhesive filament directly onto an elastic strand member during the manufacture of diapers and control the travel path of the strand traveling past the nozzle assembly. Further, it would have been obvious given the modifications of the Kwok coating apparatus as discussed is capable of maintaining a non-contacting relationship between the strand guide and the strand due to the high velocity of the downwardly flowing air from the Kwok air discharge outlets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda A. Lamb whose telephone number is (571) 272-1231. The examiner can normally be reached on Monday-Tuesday and Thursday. The examiner can also be reached on alternate Wednesdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton, can be reached on (571- 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Brenda A Lamb  
Primary Examiner  
Art Unit 1734